

COPY
FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 02 2004

10 o'clock and 30 min. a.m.
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	MAGIS. NO. 04-0 <u>13</u> KSC
)	
Plaintiff,)	CRIMINAL COMPLAINT
)	
VS.)	
)	
YOUNG EUN CHUNG,	(01))	
SANG MO CHUNG,	(02))	
)	
Defendants.)	
)	

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about October 24, 2003 and on or about October 27, 2003 in the District of Hawaii, defendants above-named did knowingly, intentionally, and unlawfully sell drug paraphernalia, as that term is defined in Title 21, United States Code, Section 863(d), to wit: two (2) methamphetamine glass pipes, one (1) scale, and one (1) torch lighter,

In violation of Title 21, United States Code, Section 863, and Title 18, United States Code, Section 2.

I further state that I am a DEA Special Agent, and that this Complaint is based upon the facts set forth in the attached "Affidavit in Support of Criminal Complaint", which is incorporated herein by reference.

Sworn to before me and
subscribed in my presence,
this 2d Day of January
2004, at Honolulu, Hawaii.


JAMES KWAN SEU YUEN
COMPLAINANT


BARRY M. KURREN
United States Magistrate Judge

EXHIBITA

SEALED
BY ORDER OF THE COURT

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

JAMES KWAN SEU YUEN, after being duly sworn, deposes and states as follows:

1. I am a DEA Special Agent, currently stationed in Honolulu, HI.

2. McCully Market is a grocery/liquor store located at 845 McCully Street, Honolulu, HI.

3. According to records available through the State of Hawaii Department of Commerce and Consumer Affairs (DCCA), Business Registration Division, internet website:

(a) "McCully Market" is a currently active trade name master registered to McCully Market, Inc., since November 26, 2002, with an expiration date of November 25, 2013. The stated purpose of this trade name is "retail- grocery & liquor".

(b) "McCully Market, Inc." is a Hawaii corporation which was incorporated on August 15, 2002. Officers and directors of this corporation since July 1, 2003 are as follows: Seon Chang Chung, President/Secretary/Director; and Young Eun Chung, Vice President/Treasurer/Director. The stated purpose of this corporation is "retail liquor store".

4. According to Liquor Commission records:

(A) McCully Market, Inc., holds license #D0265. This license is currently active, with a designated class of "retail" and the kind being "general".

(B) Seon Chang Chung, SSN***-**-****, is listed as the President, Secretary, and Director, and defendant Young Eun Chung, SSN***-**-****, is the Vice President, Treasurer, and Director. Each of these two persons owns 500 shares of stock.

5. On October 28, 2003, a Honolulu Police Department (HPD) officer went to McCully Market. Defendant Sang Mo Chang was manning the store at this time. Sang Mo Chang advised that his wife owned the store and that his daughter, Young Eun Chung, also worked at the store.

**CONTROLLED PURCHASE OF DRUG
PARAPHERNALIA, OCTOBER 24, 2003:**

6. On October 24, 2003 at about 12:33 p.m., a HPD undercover officer (attired in civilian attire and posing as a customer) entered the business premises of McCully Market, 845 McCully Street. At this time, defendant Sang Mo Chung was manning the store.

7. There was a large glass display case to the left as one entered the store, which contained the following: lighters and a display rack with lighters; various glass pipes of the type commonly used to smoke marijuana; torch lighters; scales; and plastic baggies and headbands. There were no methamphetamine smoking pipes in this display case or otherwise in public view in the store.

8. The undercover officer initially looked at the items in this glass display case. He/she then inquired of Sang Mo Chung whether he had the one with the bulb and whether there were different sizes. Sang Mo Chung said same size. Sang Mo Chung also reached down to a location underneath and to the side of the cash register and retrieved a brown paper bag. This paper bag was rolled up and stapled shut at the top. The officer opened the paper bag and found inside a glass pipe of the type typically used to smoke methamphetamine (the quoted price being \$10.00).

9. The undercover officer then looked at torch lighters in the display case and selected a red-colored one. Sang Mo Chung retrieved it from the display case and clicked it to show that it was operable. Sang Mo Chung then went to the cash register and placed the torch lighter next to the paper bag with the pipe.

10. The officer then looked at scales in the display case and asked to see a "Tangent"-brand scale. The officer asked the price and Sang Mo Chung pointed to the price tag of \$99.99. The officer said he/she would purchase that, and Sang Mo Chung placed that scale next to the other items near the cash register (he also charged \$5.99 for the torch lighter).

11. At about the same time that Sang Mo Chung was giving the officer his/her change, co-defendant Young Eun Chung approached behind the service counter. At this time, the scale, torch lighter, and pipe and bag were still visibly located on the counter. Young Eun Chung made eye contact with Sang Mo Chung and she then said something in a foreign language, also simultaneously pointing to the items which the officer had purchased. Young Eun Chung then grabbed an opaque, black plastic

bag and placed all of these items in it. The officer thereafter took the black plastic bag and left the store.

12. Attached hereto and incorporated herein by reference as Exhibit 1 are photographs of the glass pipe (including the brown paper bag in which it was hidden), the scale, and the torch lighter which were bought at McCully Market on October 24, 2003.

**CONTROLLED PURCHASE OF DRUG
PARAPHERNALIA, OCTOBER 27, 2003:**

13. On October 27, 2003 at about 10:21 a.m., the HPD undercover officer again went to McCully Market, posing as a customer. The officer approached the service counter and said that he/she wanted one, the one with the bulb in the paper package. Young Eun Chung then removed from a location underneath and to the side of the cash register a brown paper bag whose top was rolled up and stapled shut. She placed this brown paper bag within a black plastic bag and handed it to the officer. The officer then paid Young Eun Chung for the purchase.

(a) The officer subsequently opened the brown paper bag and found that it contained a glass pipe similar to that which he/she had previously purchased on October 24, 2003, and was of the type commonly used to smoke methamphetamine.

14. Attached hereto and incorporated herein by reference as Exhibit 2 are photographs of the glass pipe (and the paper bag and black plastic shopping bag) which the officer purchased at McCully Market on October 27, 2003.

15. As the officer was making this purchase from Young Eun Chung, Sang Mo Chung also approached behind the service counter and observed the transaction. The officer made eye contact with Sang Mo Chung and acknowledged him.

16. The undercover officer did not see any glass methamphetamine pipes publically displayed at McCully Market on

either October 24 or 27, 2003.

FURTHER AFFIANT SAYETH NAUGHT.



JAMES KWAN SEU YUEN

This Criminal Complaint and Affidavit in support thereof were presented to, approved by, and probable cause to believe that the defendant above-named committed the charged crime found to exist by the undersigned Judicial Officer at 9:45 A.m. on January 2, 2004.

Subscribed and Sworn to Before Me,
this 2d Day of January 2004.



BARRY M. KURREN
United States Magistrate Judge

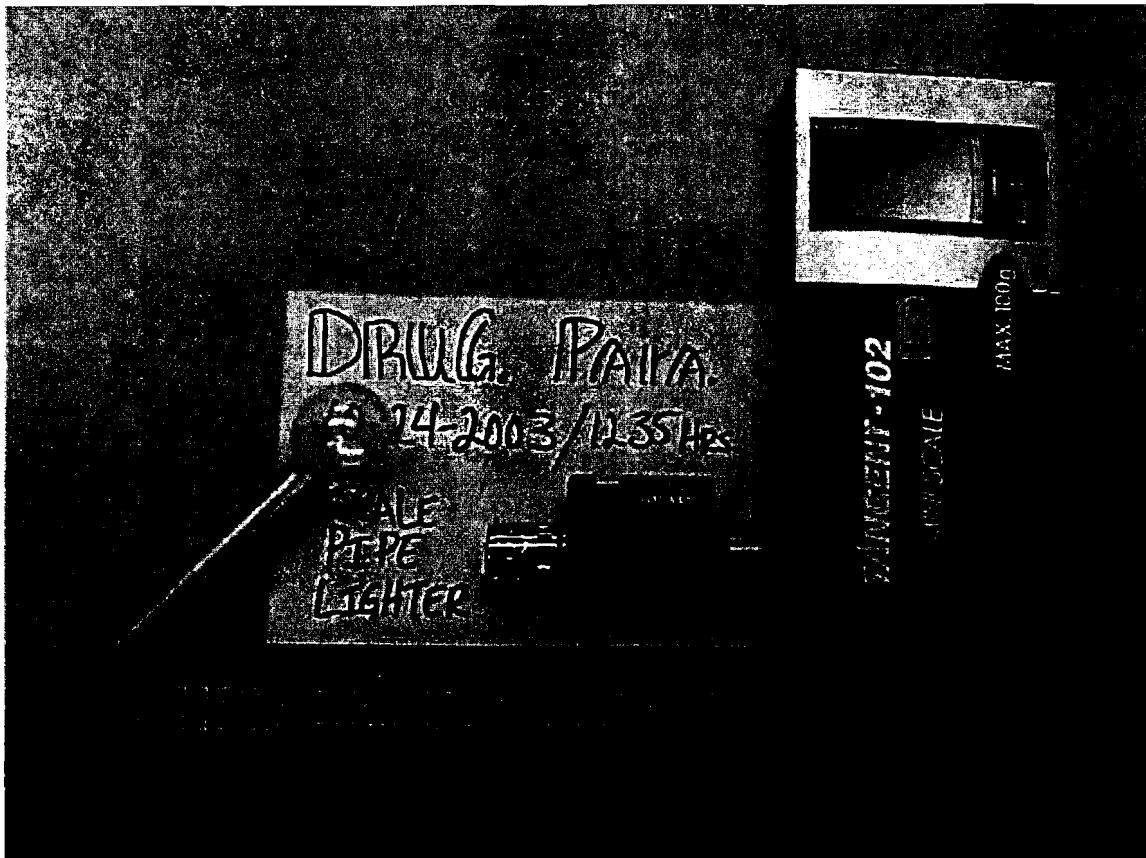


EXHIBIT 1

PAGE 1 OF 4 PAGES

MCCULLY MKT, 10/24/03

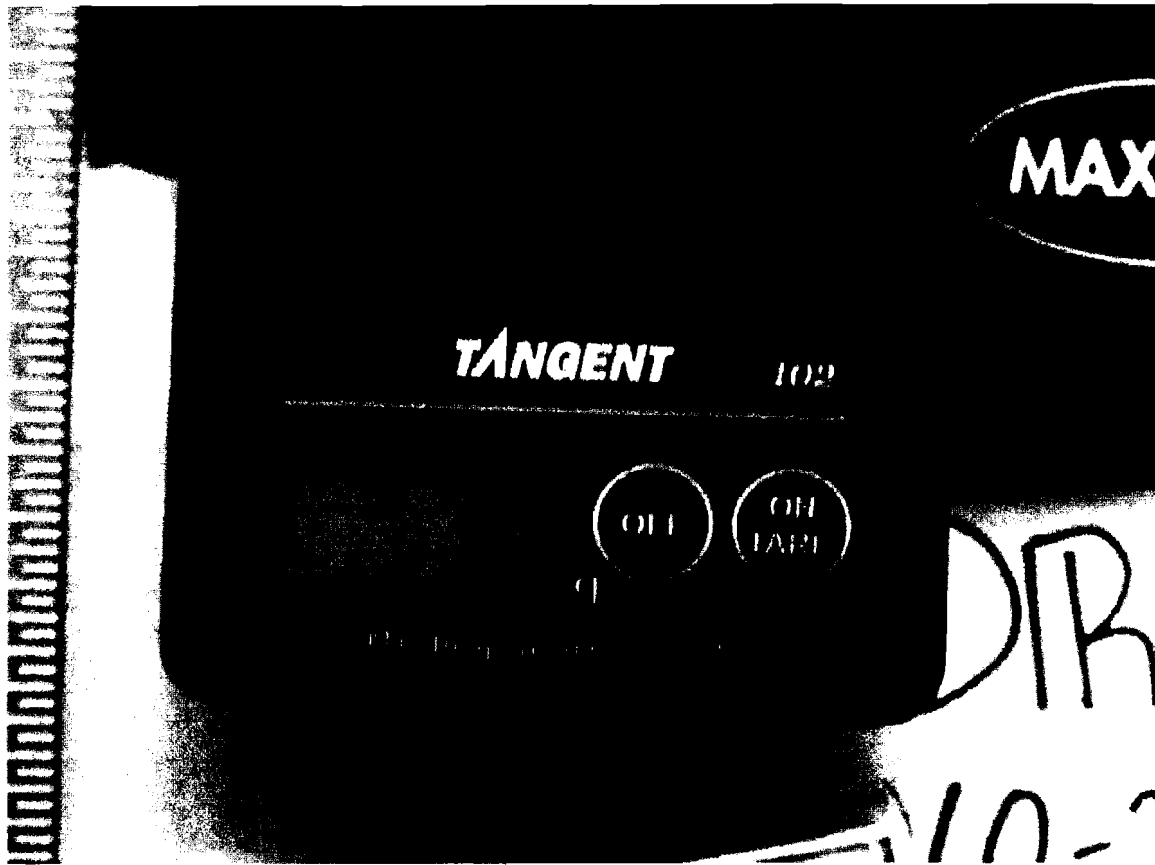


EXHIBIT 1

PAGE 2 OF 4 PAGES

MCCULLY MKT, 10/24/03

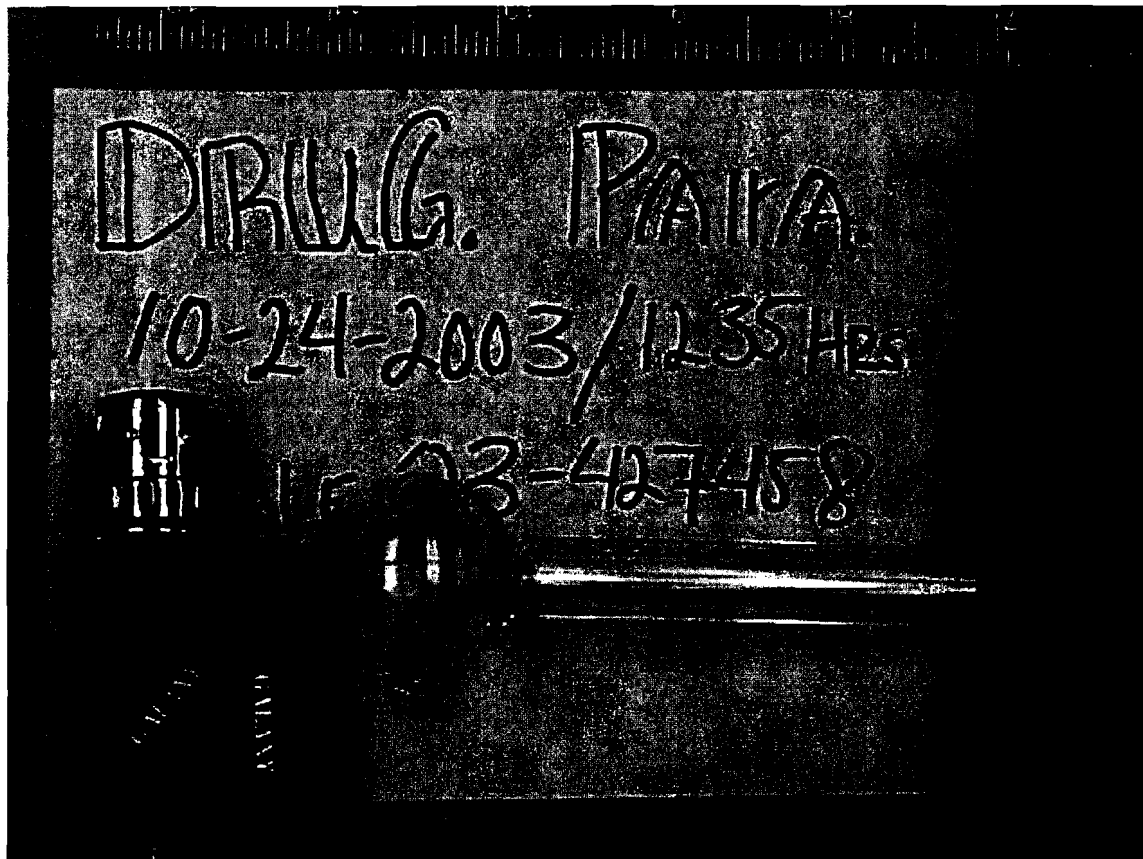


EXHIBIT 1

PAGE 3 OF 4 PAGES

MCCULLY MKT, 10/24/03

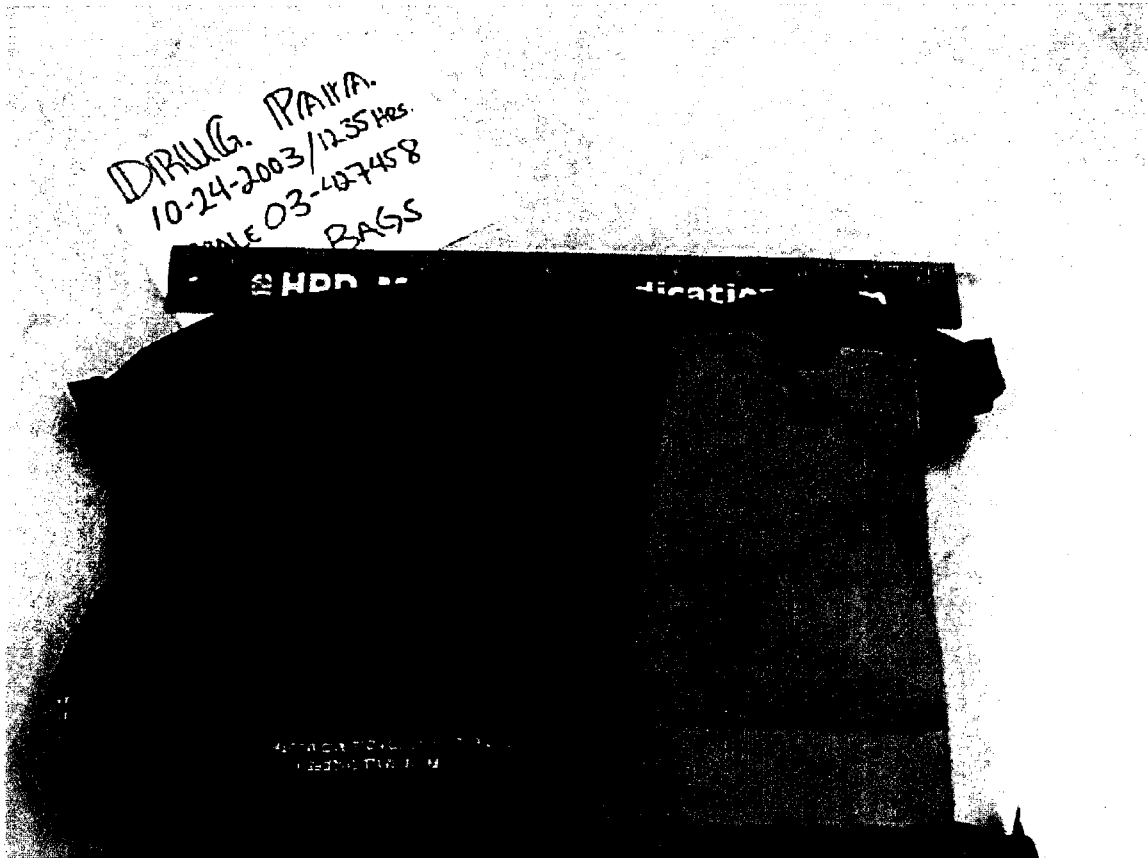


EXHIBIT 1

PAGE 4 OF 4 PAGES

MCCULLY MKT, 10/24/03

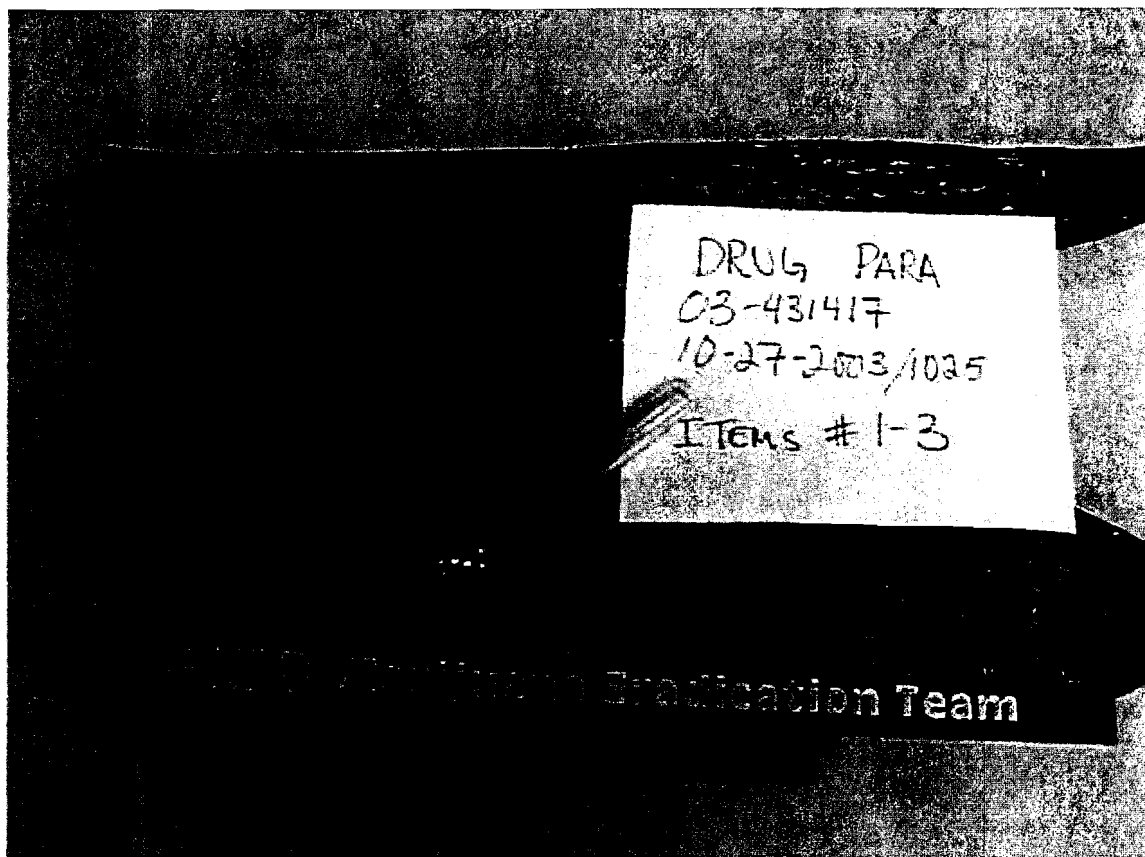


EXHIBIT 2

PAGE 1 OF 2 PAGES

MCCULLY MKT, 10/27/03



EXHIBIT 2

PAGE 2 OF 2 PAGES

MCCULLY MKT, 10/27/03